

1907-004
Lee Co.

Chancery Cause: Cdn. of Manerva Warholm bc by vs. Manerva Warholm bc

Ely, Flanary, Orr

CA - Estate Dispute
T - Property

To the Hon. H.A.W.Skeen, Judge of the Circuit Court of Lee County Va.

Humbly complaining your Complainant M.G.Ely, Guardian of Isidor Warholm, Manerva Warholm and Laura Hillman, Warholm, infant children of Charles Warholm Dec. that he was appointed and qualified as the guardian of the said infants, in your honors Court on the day of February of 1903 as will appear from a certificate of the Clerk of the Court showing the same, herewith filed, marked "A" and prayed to be taken as a part of this bill. That the said infants are aged as follows; Manerva, 12 yrs, Isidor 10 yrs. Laura Hillman 6, that the said infants are the owners in fee simple of the following real estate situated, in the town of Dryden Lee, County, Va., consisting of dwelling house, out houses, Barn and garden containing about 2 Acres- The said real estate was derived by said infants by decent from their Father, Chas. Warholm Dec.

That this is all the property real or personal, which the said infants own.

Your complainant thinks that the interests of the said wards will be greatly promoted by a sale of the real estate first above mentioned, and investment of the proceeds, in other property or placed at interest, as provided by the Statue of Virginia, and he thinks the following facts are calculated to show the propriety of such sale and investment, said property is deteriorating in value and does not rent for enough to keep ^{it} in repair and pay taxes.

If the said infants were dead the unknown brothers or sisters of Chas. Warholm Dec. who live in Sweden would be their heirs and distributees.

In tender consideration of the premises, and for as much as your complainant is remedless there in, save in a Court of Equity, where such matters are relievable.

Your complainant therefore prays that the said Manerva Warholm, Isidor Warholm, ^{Laura Hillman Warholm} and the unknown brothers and sisters of Chas Warholm Dec. be made party defendant to this bill and answer the same but not on oath, that being waived, that order of publication be published and posted against the unknown non-resident defendants, that a Guardian ad litem be assigned to defend the infant defendants

and answer for them, that the said land may be decreed to be sold and proceeds invested as the Court shall direct, that all proper allowances and counsel fees may be made in this suit, and all other and further relief generally that the nature of the case may require or to equity seem meet and he will ever pray &c.

M. G. Ely. p. q.

Virginia Lee County to Wit:

I H.C. Joslyn, a Justice of the Peace for the County and State aforesaid, do certify that M.G.Ely personally appeared before me and made oath, that the allegations, made in the foregoing bill are true to the best of his knowledge and belief,

Given under my hand this April 5th 1907.

H. C. Joslyn J.P.

J. E. Kelley June 27 1907
M. S. O. R. 7/1003.

184

Costs:

Clerk	\$ 6.54
Shff.	0.00
Atty.	15.00
Copier.	1.50
G. A. L.	5.00
Writ.	50
Estimated	5.00
	\$33.54
Clerk	2.62
	\$36.16
M. S. O.	1.50
	\$37.66

M. S. O. Guardian etc -
vs. { Bill in Chancery
Manerva Warhunkolsky

1907 2nd March Rules
Bill filed, Sp. not
executed, depts. all
bring infants & now
residents, Aus. G. A. L.
filed, & D. N. & cont'd
for O. P.
" 1st April Rules
Continued for O. P.
" 2nd April Rules.
D. N. confd, O. P. com-
pleted & cause set
for hearing.

431

In the Circuit Court for the County of Lee,
to-wit:

THE ANSWER OF Manerva Warholm, Isidor Warholm,
Lana Billman Warholm -

infants under the age of twenty-one years, by James W. Orr -
guardian *ad litem*, assigned to defend them in this suit, to a bill of complaint exhibited against
them and others in the Circuit Court for the County of
Lee, by M. G. Ely, Quasim and others.

The respondent, reserving to themselves the benefit of all just exceptions to the said bill, for
answer thereto, answering by said guardian *ad litem*, say that they are infants of
tender years, and by reason of such disability are incapable of understanding, or of
taking care of their rights and interests, they therefore commend the same
to the protection of the court, and prays that no decree may be pronounced which will tend
to their prejudice.

And having answered, the respondent pray to be hence dismissed with their
reasonable costs, in this behalf expended; and they will ever pray, &c.

James W. Orr. Guardian *ad litem*.

p. d.

County
OF

ss.

Lee

This day, James W. Orr -, whose name is signed to
the foregoing answer, personally appeared before me, M. G. Ely, Com. in Chg. -
and made oath that the statements made therein, so far as they depend upon his own knowl-
edge, are true, and so far as they depend upon knowledge derived from others he believes them
to be true.

Given under my hand, this 13th day of May 1907.

M. G. Ely, Com. in Chg. -

Maurice Wicksburg

adv. }

ANSWER
OF
INFANT DEFENDANT.

Mr. G. Ely Guardian

M. G. Ely, Guardian etc. Plff.
against ~~the~~ In Chancery.

Manuva Warhahn et al. Deft.

This cause came on this day to be heard upon the papers formerly read in the cause, the report of Commissioner M. G. Ely and deed filed therewith, and was argued by counsel - In consideration of which, the court doth approve and confirm said report and deed filed therewith, and said purchaser will pay said Commissioner the sum of \$5⁰⁰ for executing said deed, and when paid the same may be withdrawn for recordation - and said Guardian will pay all the taxable costs of this suit and take receipts therefor - and said cause is stricken from the docket.

M. G. Ely. Guardian
vs { Secret Trial
Manuwa Harbison et al

Entered in CCB
8, page 349 &c

Enter this.

H. A. W. Simon

Dec. 12th 1907-

M.G.Ely Guardian,for etc.Plaintiff,

Against) In Chancery,

Manerva Warholm and others,Defendants,

This cause came on this day to be heard upon the papers formerly read in the cause ,the report of sale of M.G.Ely Commissioner and was argued by counsel:

On consideration of which said report is approved and confirmed and said Commissioner will disburse the costs in his hands ,to the parties entitled thereto,and said purchase money,when full y paid M.G.Ely commissioner will make to the purchasers a deed with covenants of special warranty,and report to court and the cause is continued.

M. G. Ely Guadalupe

us. { } Deere-

Manuwa Warhahno-

~~~~~

Entered in C.O.B.

No. 8, page 3 15 re

Enter This

H. C. W. Simon

Sept. 17<sup>th</sup> - 1907.



M. H. Ely, Guardian for etc, Plff.  
against  $\frac{1}{2}$  In Chancery,  
Manerva. Workman et als, Defts.

This cause came on this day to be heard upon  
upon the bill of complainant, exhibits therewith, and  
depositions of complainant, the answer of the infant  
defendants by James W. Orr, Their Guardian ad litem  
duly sworn to, general replication thereto, order of  
publication duly posted and published against the  
unknown non-resident defendants, and was  
argued by Counsel,

On consideration of which, the court being of opinion  
that the interests of the infant defendants will be  
promoted by a sale of their real estate, M. H. Ely,  
Guardian is hereby appointed a commissioner  
who will advertise and sell the lands described  
in said bill, said sale shall be in the town of  
Dryden, Va, at the front door of "Jersey & Sons store"  
after the same has been duly advertised by written  
or printed notices posted in the town of Dryden, Va,  
in the vicinity of said land at at the front door of  
the Court house of Lee County Va. for 30 days before  
said sale, said sale will be on a credit of  
one and two years except costs of suit and  
commissions on the sale, which will be required  
to be paid cash in hand, and for the deferred  
payments notes will be taken bearing interest  
from date, with good personal security payable  
to M. H. Ely, Guardian - and he will report to  
Court and the cause is continued,



M. G. Ely. Guardian  
vs. { Deere -  
Maneuva Warholmet

Entered in C.B.  
#8, page 286 re -

Enter this

H a w s r u e

May. 22-1907 -



The depositions of M.E.Flanary et al taken before me by on the 13th day of May, 1907, at the office of M.G.Ely, in the town of Jonesville, Virginia, pursuant to agreement, which depositions are intended to be read as evidence in behalf of the plaintiff in a certain suit in Chancery now pending in the Circuit Court of Lee County, Virginia, in which M.G.Ely Guardian for &c is plaintiff Manerva Warholm et al are defendants.

Present M.G.Ely attorney for plaintiff and J.W.Orr, guardian ad litem for infant defendants.

M.E.Flanary, a witness of lawful age being first duly sworn deposes as follows:

Q.1.-- State your age, occupation and place of residence and whether or not you are acquainted with the real estate of the defendant situated in the town of Dryden?

A.-- I am 24 years old, reside at Jonesville, my occupation at present is that of Deputy Clerk. I have known that property for five years or more.

Q.2.-- Please state in your opinion what would be a fair cash value of said real estate, and what would it rent for by the month or by the year?

A.-- I should think that it might be worth from five to eight hundred Dollars. It ought to rent for as much as \$25.00 per year.

Q.3.-- Please state whether or not in your opinion it would be to the interest of the infant defendants for this real estate to be sold and the money put at interest, or re-invested for their support maintenance and education?

A.-- If it sells for a fair price, something like six or seven hundred Dollars, I think it would be the best thing for them to sell, and either put the money at interest or re-invest the money otherwise. To rent the property there in town I do not think the rent would much more than keep up the property and pay the taxes.

Q.4.-- Do you know of any body's rights that would be violated by such a sale of said real estate?

A.-- I do not.

And further this deponent saith not.

*M.E. Flanary*



Grover E. Orr, another witness of lawful age being duly sworn deposes as follows:

Q.1.-- State your age, place of residence and occupation?

A.-- I am        years old. I now reside at Jonesville, where I am clerking in the store of J.W. & W.E. Orr, My home is at Dryden Virginia, where I have lived all my life, except for the time that I have been at Jonesville.

Q.2.--Are you acquainted with the real estate of the defendants in this cause, and if so will you state what you consider it fair cash value, and what is its fair cash rental value?

A.-- I am acquainted with said land, have known it all my life. I consider it worth about \$800.00, and have heard people say they would give that much for it. It would rent for about \$2.00 per month.

Q.3.-- In your opinion would it promote the interests of said infants to sell said real estate and put the money at interest, or re-invest the proceeds?

A.-- I think it would promote the interest of said defendants to sell said lot and put the money at interest. It is going down now, and the interest on the money would be more than it would rent for.

And further this deponent saith not.

Grover E. Orr

Virginia, Lee County, to-wit:

The foregoing depositions of M.E. Flanary and Grover E. Orr were taken, sworn to and subscribed before me at the time, place and for the purpose in the caption mentioned.

Given under my hand this the 13th day of May, 1907.

Geor. P. Cridlin  
Commissioner in Chancery for the Circuit Court of Lee County, Virginia.



M. G. Ely Guard &c

vs. { In Chgo

Mauera Warholer & Co

Depositions of  
M. E. Flanagan  
Prover E. Or.

Filed May 13. 1907

H. C. T. Ewing,

Clk.

Court fee 75c Paid



The deposition of R.W.Orr, taken before me, Geo.P.Cridlin, a Commissioner in Chancery for the Circuit Court of Lee County, Virginia, at the office of M.G.Ely, in Jonesville, Va., pursuant to agreement, which depositions are intended to be read as evidence in behalf of the plaintiff in a certain suit in Chancery now pending in the said Circuit Court in which M.G.Ely, Guard &c. is plaintiff and Manerva Warholm et al are deendants.

Present M.G.Ely atty for pliff. and J.W.Orr G.A.L.

Q.1.-- State your age, residence and occupation and whether or not you are acquainted with the real estate owned by the defendants situate in the town of Dryden, Va., and if so describe it fully

A.-- I am 59 years, reside at Dryden, Va., and am a farmer. I am acquainted with said property. There is supposed to be two acres in the boundary, which is enclosed with a <sup>wood</sup> picket fence, and the fence now seems to be giving away. There is on the <sup>n</sup>lad a dwelling house story and a half high with about six rooms, with back porch and a front porch, cheaply built, frame with board roof. The upstairs rooms are not finished. By being cheaply built I mean cheap lumber. There is also a small box stable. There are few outbuilding a little smoke house and woodshed, cheaply built. There are also some fruit trees and grape vines on the lot. I think the rent of this property ought to be about \$50.00 per year. It is now rented for six months at the price of \$22.00, but the party who has it rented will not move into the house on account of several people having died in it with consumption. In stating the rental value above I meant to give the gross rental value only, after taking out the repairs, and keeping up the property, I do not think that the rental value would be more than \$30.00 per year.

Q.2.-- State whether or not in your opinion it would be to the interest of these infant defendants for their real estate to be sold and the money put at interest, and if so state your reasons for it?

A.-- I think it would be to their interest to sell this property. As their father and mother are dead and their kinsolks that they have to live with are common livers, and that they can be provided



for by the use of these means that they could not have unless this property is sold, and when these infants become of age, if they retain the property, it will have greatly depreciated in value. The house now needs covering, and the fence needs repairs.

And further this deponent saith not.

Robert W Orr

Wit. claims one day 50 cts.

Virginia, Lee County, to-wit:

I Geo.P.Cridlin, a Commissioner in Chancery for the Circuit Court of Lee County, Virginia, do certify that the foregoing depositions of R.W.Orr, was taken sworn to and subscribed before me at the time, place and for the purpose in the caption mentioned.

Given under my hand this the 21st day of May, 1907.

Geo. P. Cridlin  
Commissioner in Chancery.



M. G. Ely Guard

vs. { In Ely

Mauwa Warholus

Depositions

R. W. Orr. Cost

50

Filed May 21, 1907

H. C. J. Ewing,  
Clerk

Cover fee 75 cts



Virginia,

At a Circuit Court continued and held for Lee County, at the Court-house thereof, on Wednesday, the 20th day of February, 1907.

The Court doth appoint M. G. Ely guardian for Minerva Warholm, <sup>years</sup> aged 12, Isador Warholm, <sup>years</sup> aged 10, and Laura Hillman Warholm, aged 6 years, children and heirs at law of Charles Warholm, deceased, and thereupon the said M. G. Ely entered into a bond in the penalty of (\$1000.00), One thousand dollars, conditioned according to law, with Robert W. Orr, his surety therein, who testified on oath as to his sufficiency, which bond being acknowledged by the obligors, is ordered to be recorded, and the said Ely took the oath required by law.

A copy,

Teste: H. C. T. Ewing, Clerk.



Know all Men by these Presents, That we M. G. Ely and R. W. Orr are held and firmly bound unto the Commonwealth of Virginia, in the sum of(\$1000.00) One thousand Dollars, to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents. And we hereby waive the benefit of our homestead exemption as to this obligation, and any claim or right to discharge any liability to the Commonwealth, arising under this bond or by virtue of said office, post or trust, with coupons detached from the bonds of this State. Sealed with our seals, and dated this Twentieth day of February one thousand nine hundred and seven

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas M. G. Ely has been appointed by Circuit Court of Lee County, guardian for Minerva Warholm, aged 12 years, Isidor Warholm, aged 10 years and Laura Hillman Warholm, aged 6 years, children and heirs at law of Charles Warholm, deceased, now, if the <sup>said</sup> M. G. Ely shall faithfully discharge his duties as said guardian according to the law, then this obligation to be void, or otherwise remain in full force and virtue.

M. G. Ely, (Seal)

Robert W. Orr (Seal)

A copy,

Teste: H. C. T. Ewing, Clerk.







To the Honorable H.A.W. Skeen, Judge of the Circuit Court of  
Lee County, Va.,

Your undersigned Commissioner and Guardian <sup>begs</sup> leave to  
report that Pursuant to a decree entered in the Chancery Cause of  
M.G. Ely Guardian ect., vs. Manerva Warholm and others pending in  
your honors court and entered at the May term 1907, that he on the  
27th day of June 1907, in front of Jessie and Orr's store in the  
town of Dryden Va., proceeded to sell the land owned by the infant  
defendant <sup>having</sup> described in said bill after <sup>advised</sup> advertised the same the time  
required by said decree, said sale was at public Auction to the  
highest bidder, at which sale J.E. Gilley and M.S. Orr were the highest  
and best bidders at the price of (\$1002) one thousand and two dollars  
said purchasers paid your Commissioner the sum of \$102. and <sup>gave</sup> their  
two several notes of \$450. each, due in one and two years from  
date, with interest, and with R.W. Orr as security, which deferred  
payments are good, said purchasers expressed a desire for a deed  
when said sale is confirmed, which is recommended.

Respectfully submitted,  
M. G. Ely,  
Commissioner and Guardian.



M. G. Ely Guardian  
vs E. Billinchausen -  
Maine Warburton et  
Report of sale.

Filed August 6, 1907.  
# W. C. P. Ewing,  
Clerk.



To the Hon. H. A. W. Shreve Judge of the circuit  
Court of Lee County Va.

Your undersigned Commissioner in the  
Chancery cause of M. G. Ely. Guardian for the vs -  
monerva workahands. Defts. pending in your  
honors court, begs to report, that since the last  
term of your honors court, the purchaser of the real  
estate described in said cause, have paid the  
entire purchase money to your commission and  
the same is in his hands as Guardian for  
said infants, and pursuant to decree entered in said  
cause at the Sept. term of your honors court, 1907 -  
he has executed to the purchasers, M. S. Orr Ed. James  
E. Gilly deed to said real estate and files the same  
herewith, for your approval -

Respectfully Submitted -

M. G. Ely -  
Special Commissioner



M. G. Eely Guardian etc.  
vs { Report of Deed -  
}

Manerva Warholman et al

Filed Dec. 12, 1904

H. C. D. Ewing,  
Clerk.



To wit Beginning at a stake N.W. corner of lot No. 16 -  
as shown in town plat of Dryden. Thence  
running Eastward parallel with L. & N. R. R. for a  
distance of 25 ft. Thence northward towards said R. R.  
and right-angle thereto for a distance of fifty ft.  
to a stake on south side of L. & N. R. R. Co. Land -  
Thence running Eastward with said R. R. Co. Land. for  
a distance of 344 ft to a stake on said R. R. Co. -s line  
thence southward 175 ft right angle from said R. R. to  
a stake, thence westward parallel with said R. R.  
for a distance of three 369 ft to a stake South west.  
corner to lot No. 16 - in block. No. 6 - Thence  
westward with west side of said lot  
No 16 - 125 ft to the beginning



Jones J Orr  
m. S. G. W.



**The Commonwealth of Virginia,**

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon *Manerva Warhohn, Isidor Warhohn, Laura Hillman Warhohn, and Unknown heirs of Charles Warhohn, deceased,*

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on the *3<sup>rd</sup>* Monday in *March,* 190*7*, to answer a bill in chancery exhibited against *Them by M. Ely, Guardian for Manerva Warhohn, Isidor Warhohn and Laura Hillman Warhohn,*

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *2<sup>nd</sup>* day of *March,* 190*7*, and 1*31<sup>st</sup>* year of the Commonwealth.

A Copy, Teste:

*H. C. T. Ewing*, Clerk

\_\_\_\_\_, Clerk



M. & Ely, Ldn. vs.

VS

{

SUBPOENA  
IN  
CHANCERY

Monetta Workman, et al,

M. & Ely,

-p. q.

To

2<sup>nd</sup> March

Rules

Sircuit

Court

1907-



In the Clerk's Office of the Circuit Court of the County of  
Lee.

M. G. Ely, Ex. re,

against

Plaintiff

Maxer vs Washburn, et al,

Defendant S.

This day M. G. Ely

personally appeared

before me, M. G. Ely, Deputy for J. P. Ewing, Clerk of the said Court,  
and being duly sworn, made oath that The Unknown Heirs of Charles  
Washburn, deceased,

an  
defendant S in the said suit ^ not resident S of the State of Virginia,

Given under my hand Deputy as Clerk of the said Court, this 2<sup>nd</sup> day of March, 1907.

M. G. Ely, Deputy for J. P. Ewing,  
Clerk.



M. G. Hely, Gen. re.

VS { AFFIDAVIT FOR ORDER  
OF  
PUBLICATION

Manuwa War Lohm, et al,

M. G. Hely

p. q.

Filed Mar. 2, 1907-

H. C. J. Ewing,  
clerk.



In the Clerk's Office of the Circuit Court of the county of Lee, on the 2<sup>nd</sup>  
day of March, 1907.

W. G. Ely, Guardian, &c,

against

Plaintiff

*In Chancery.*

Manerva Warholm, et al,

Defendant s,

The object of this suit is to sell The real estate of The infant  
defendants in this cause,

And an affidavit having been made and filed that the defendants, The unknown heirs  
of Charles Warholm, deceased, are  
not residents of the State of Virginia, it is ordered that They do appear here within fifteen days  
after due publication hereof, and do what may be necessary to protect their interest in this suit. And it is  
further ordered that a copy hereof be published once a week for four weeks in the Jonesville  
Star and that a copy be posted at the front door of the Courthouse of this county as prescribed  
by law.

A copy—Teste:

W. G. Ely,

p. q.

J. C. J. Ewing  
By M. S. Hawley, D.C.

Clerk.



M. G. Ely, Gdn. vs.,

vs.

}

ORDER OF  
PUBLICATION

Manerva Warholm, et al.,

Virginia, Lee County, to-wit:  
I, H. C. Ewing, County  
Clerk, do certify that I  
posted a true copy of  
the within order of pub-  
lication at the front  
door of the Court-  
house of said County  
on this day -

Given under my  
hand, This Feb. 2, 1907.

H. C. Ewing,  
Clerk.